

UNITED STATES DISTRICT COURT

FILED

July 12, 2024

for the

Southern District of Texas

Nathan Ochsner, Clerk of Court

United States of America
v.Case No. **4:24-mj-313**Immer Ismael Campos Quintanilla*Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 11, 2024 in the county of Montgomery in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*Title 18 U.S.C §§ 922(a)(6) and Aiding and Abetting a False Statement to a Firearms Dealer
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This criminal complaint is based on these facts:

See the attached affidavit

☒ Continued on the attached sheet.*Complainant's signature*

ATF Special Agent James Settelen

Printed name and title

- ☐ Sworn to before me and signed in my presence.
☒ Sworn to telephonically and signed electronically.

Date: July 12, 2024*Judge's signature*City and state: Houston, Texas

United States Magistrate Judge Richard Bennett

Printed name and title

4:24-mj-313

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, James Settelen, being duly sworn, depose and state the following:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). During my time as a Special Agent, I have investigated numerous federal firearms violations, including straw purchases of weapons and other weapons trafficking offenses. During my career with the ATF, I have also participated in numerous searches and arrests involving violations of federal firearms laws.

2. I make this Affidavit in support of a criminal complaint to be presented to the United States District Court for the Southern District of Texas in the matter of United States v. **Immer Ismael Campos Quintanilla**.

3. This complaint charges that on or about July 11, 2024, in the Southern District of Texas, **Immer Ismael Campos Quintanilla**, knowingly aided and abetting a false or fictitious written statement intended to deceive a licensed firearms dealer in connection to the acquisition of a firearm, namely an FN, M249S, 5.56 caliber, rifle, serial number M249SA09939, in violation of Title 18, United States Code §§ 922(a)(6) and 2.

4. I base this summary of the facts upon information from my personal investigation, information provided to me by other law enforcement officers, and records required to be kept by the Federal Firearm Licensee (FFL) in question. This is a summary of the basic facts and not a complete description of all the information in the case. It is intended solely to demonstrate that there is sufficient evidence to establish probable cause that **Immer Ismael Campos Quintanilla** committed the crime in question.

5. On July 11, 2024, Darwin Quiroz Recarte purchased an FN, M249S, 5.56 caliber rifle, serial number M249SA09939 from FFL SPIELVOGEL, ADAM MATTHEW for

\$11,419.29. The FFL's license number, issued by ATF on March 31, 2021, is 5-76-339-01-4D-07138 (57607138). During the transaction, Agents surveilling the FFL saw **Immer Ismael Campos Quintanilla** riding as a passenger in a car that Darwin Recarte drove to the FFL. Additionally, **Immer Ismael Campos Quintanilla** entered the FFL's premises during the firearm purchase by Recarte.

6. During the transaction, Darwin Recarte completed an ATF Form 4473 (Firearms transaction record) for the purchase of the firearm in question. Federal Firearms Licensees (FFLs) are required to keep the ATF Form 4473. The Form is completed by the purchaser of the firearm and includes information regarding the name, age, current residence of the purchaser, and the purchaser's certification that he or she is not prohibited from possessing firearms. The Form also includes a certification by the purchaser that that person is the actual transferee of the firearm, in other words, that the person is purchasing the firearm for themselves, and not someone else.

7. A "straw purchase" occurs when the actual buyer of a firearm uses another person, a "straw purchaser," to execute the paperwork necessary to purchase a firearm from a federally-licensed firearms dealer (FFL). A straw purchaser is a person with a clean background—in other words, someone who is not prohibited under federal law from purchasing firearms—who purchases firearms on behalf of a person who is prohibited from purchasing a firearm. The straw purchaser violates federal law by making a false statement to the FFL about a material fact by lying on the ATF Form 4473, namely, that they are the actual transferee (recipient) of the firearm in question. The ATF Form 4473 specifically warns the buyer that they are not the actual buyer if they are purchasing on behalf of another person, and warns the buyer that making a false statement on the Form 4473 is a felony.

8. On July 11, 2024, I reviewed a copy of the ATF Form 4473 completed by Darwin Recarte. Darwin Recarte marked in box 21.a. that he was the actual transferee/buyer of the FN, M249S, 5.56 caliber rifle, serial number M249SA09939, when in fact Recarte purchased the firearm on behalf of, and at the direction of, **Immer Ismael Campos Quintanilla**.

9. On July 11, 2024, Texas Department of Public Safety conducted a traffic stop of the vehicle that Darwin Recarte drove and in which **Immer Ismael Campos Quintanilla** was a passenger for following too close. During the traffic stop, DPS Troopers smelled a strong odor of marijuana emitting from the vehicle. They completed a probable cause search of the vehicle and found approximately \$6,000 in cash and the FN, M249S, 5.56 caliber rifle, SN: M249SA09939. I arrived at the scene of the traffic stop to investigate the suspicious firearms transaction.

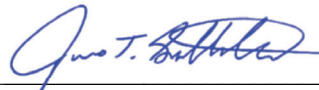
10. A custodial interview of Darwin Recarte was conducted. Recarte was read his *Miranda* Warnings and waived those rights, agreeing to speak to Agents without an attorney present. During the interview, Recarte admitted to straw purchasing the firearm on behalf of **Immer Ismael Campos Quintanilla**. Among other things, Recarte told investigators that **Quintanilla** paid him to purchase the firearm in question. Recarte also told investigators that **Quintanilla** could not purchase firearms because **Quintanilla** was in the United States illegally.

11. A custodial interview of **Immer Ismael Campos Quintanilla** was conducted. **Immer Ismael Campos Quintanilla** was read his *Miranda* Warnings and waived those rights, agreeing to speak to Agents without an attorney present. **Immer Ismael Campos Quintanilla** confessed to recruiting Recarte to purchase the firearm on his behalf. Additionally, **Immer Ismael Campos Quintanilla** admitted to having crossed into the United States from Mexico illegally, that is, without inspection. **Immer Ismael Campos Quintanilla** is therefore prohibited from possessing firearms in the United States under 18 United States Code § 922(5)(a). **Immer Ismael**

Campos Quintanilla also admitted to receiving the cash that Recarte used to purchase the firearm in question from another unknown individual, and to providing that money to Recarte to buy the firearm in question. **Quintanilla** also told Agents that he was going to pay Recarte for making the purchase.

12. On July 11, 2024, **Immer Ismael Campos Quintanilla** provided written consent to search the cell phone found in his possession. Within that device, ATF found that **Immer Ismael Campos Quintanilla** had extensive text message conversations with FFL SPIELVOGEL, ADAM MATTHEW. In those text conversations, **Quintanilla** represented himself to the FFL as Recarte, ordered the firearm in question and arranged the appointment to purchase the firearm from the FFL. **Quintanilla's** phone also contained numerous photographs of firearms.

13. Based on the foregoing facts, I believe that probable cause exists to establish that **Immer Ismael Campos Quintanilla**, knowingly aided and abetting the false or fictitious written statement intended to deceive a licensed firearm dealer in connection to the acquisition of a firearm in the Southern District of Texas in violation of Title 18, United States Code, §§ 922(a)(6) and 2.



James Settelen
Special Agent, Bureau of Alcohol, Tobacco,
Firearms and Explosives (ATF)

SUBSCRIBED AND SWORN TO me telephonically this 12th day of July 2024, and I find probable cause.



Honorable Richard Bennett
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF TEXAS